

सं०ओ०वि०/13634.—चूंकि हरियाणा के राज्यपाल की राय है कि (1) आयुक्त, हरियाणा राज्य परिवहन मण्डीगढ़, (2) जनरल मैनेजर, हरियाणा रोडवेज, रोहतक के श्रमिक श्री जगीर सिंह तथा उसके प्रबन्धकों के बीच इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है ;

और चूंकि हरियाणा के राज्यपाल विवाद को न्यायनिर्णय हेतु निर्दिष्ट करना वांछनीय समझते हैं ;

इसलिए, अब औद्योगिक विवाद अधिनियम, 1947, की धारा 10 की उपधारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं० 9641-1-श्रम/78/32573, दिनांक 6 नवम्बर, 1970 के साथ पठित सरकारी अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय, रोहतक, को विवादग्रस्त या उससे सुसंगत या उससे सम्बन्धित नीचे लिखा मामला न्यायनिर्णय एवं पंचाट तीन मास में देने हेतु निर्दिष्ट करते हैं, जो कि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या उक्त विवाद से सुसंगत अथवा सम्बन्धित मामला है :—

क्या श्री जगीर सिंह, पुत्र श्री भोला सिंह की सेवाओं का समाप्त न्यायोचित तथा ठीक है? यदि नहीं तो, वह किस राहत का हकदार है?

जे० पी० रतन,

उप-सचिव, हरियाणा सरकार,
श्रम विभाग ।

LABOUR DEPARTMENT

The 7th March, 1986

No. 9/6/86-6Lab/1434.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Allied Chemical Works, Ladwa Road, Shahabad (Markanda).

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 391 of 1984

(Old No. 212 of 1982)

SHRI LAL BAHADUR, WORKMAN AND THE MANAGEMENT OF THE MESSRS
ALLIED CHEMICAL WORKS, LADWA ROAD, SHAHABAD (MARKANDA)

Present :

Shri Inder Sain, for the workman.

Shri R. L. Gupta, for the respondent.

AWARD.

The Hon'ble Governor of Haryana in the exercise of powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred the dispute between Lal Bahadur workman, and the Messrs Allied Chemical Works, Shahabad, to the Labour Court. The terms of the reference are as under:—

“Whether the termination of services of Shri Lal Bahadur, workman, was justified and in order? If not, to what relief is he entitled?”

Labour Court at Ambala was constituted in April, 1984; thereafter, this reference was received by transfer.

Lal Bahadur through his demand notice alleged that he served the respondent management for 10 years and thereafter his services were terminated on 11th March, 1982 in violation of section 25 (F) of the Industrial Disputes Act, 1947. The workman has prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested this dispute and contended that services of Shri Lal Bahadur were never terminated in fact he submitted his resignation on 12th March, 1982 and on the same date full and final payment was paid to him. When Shri Lal Bahadur reported to the matter to Labour Officer at that time management made an offer that Lal Bahadur can report on duty at any work but he never reported on duty. So he is not entitled to relief claimed for.

Lal Bahadur filed an replication through which he controverted the contentions made by the management in written statement.

On the pleadings of the parties the following issues were framed :—

Issues :—

- (1) Whether the workman resigned from his job and received full and final payment, if so to what effect.
- (2) As per reference.

I have heard Shri Inder Sain assisted by Shri Madhu Suden for workman and Shri R.L. Gupta for the management and have perused the evidence available on the file. My issue-wise findings are as under :—

In support of this issue management examined MW-1 Shri J. C. Niyogi partner of respondent-management and Shri Ravi Kant as MW-2 both the witnesses stated that on 12th March, 1982 Shri Lal Bahadur came to them submitted his resignation which was accepted by them and then full and final payment were made to Shri Lal Bahadur,—vide vouchers Ex. M-2 and M-3 signatures of both these vouchers had been admitted by Shri Lal Bahadur.

On the other hand Shri Lal Bahadur appeared in the witness-box as AW -1. He deposed that he never resigned from the service nor his brother ever expired in fact story of the management is incorrect.

In view of above evidence it is very difficulty to rely upon the statement of the workman because the demand notice is silent about his allegations of beating by the management. Nor there are any specific allegation against the management from the side of workman that why all of sudden his services were terminated. In fact from the circumstances it appears that workman on account of death of his brother submitted his resignation and when he could not adjust himself at his house. Thereafter, he again came to management and the management might have not allowed him to join his duty then he took up his matter with the Labour Office and thereafter, management agreed to take him in employment again.

During the pendency of this dispute before the undersigned the management has taken workman in service which shows that management was never intending to terminate service of workman in fact w/man himself resigned and accepted full and final payment from the management. So this issue is answered accordingly.

Issue No. 2 :

Since the workman has been taken in service by the management again now the dispute regarding the back wages remains to which the workman is not entitled because he had himself resigned from the service and was never terminated by the management. It is evident from the evidence present on the file. However, I would like to remark that workman shall be entitled to continuity in service and his absence from duty shall be treated as an extraordinary leave of the kind due. Regarding the dispute in hand I pass award accordingly.

Dated the 16th January, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 202, dated 20th January, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.